



Information Note

Prepared by the Maldivian Democratic Party (MDP)

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I. Parliamentary Inquiry into Report of the CoNI

On 30 August 2012, the Commission of National Inquiry (CoNI) published its final report into the events surrounding 7th February 2012, when the Maldives' first-ever democratic government, led by President Mohamed Nasheed, was forced from Office and replaced by the-then Vice-President, Dr. Mohamed Waheed, at the head of a coalition of parties associated with the country's former political and economic elite. This coalition was and remains dominated by the party of President Maumoon Abdul Gayoom, the country's former autocratic leader who controlled the country for three decades prior to his defeat in the 2008/2009 elections.

The CoNI, established by Dr. Waheed shortly after he came to power, was originally made-up of three people – all well-known sympathizers of former President Gayoom – and chaired by President Gayoom's former Defense Minister. After an international outcry, led in particular by the Commonwealth Ministerial Action Group (CMAG), the government was forced to agree to reform the CoNI. The Commonwealth Secretary-General's special envoy to the Maldives, Sir Donald McKinnon, subsequently mediated an agreement for reforming the CoNI. Unfortunately, the deal struck by Sir Donald was deeply flawed – it allowed all three original members to remain in place, allowed the President Gayoom's former Defense Minister to remain as Chair, and gave-in to the government's demand that only one seat on the Commission would be allotted to an international expert and that the expert must be a judge from Singapore. The only concession secured by Sir Donald was that President Nasheed could nominate one person to sit on the Commission. The government subsequently rejected President Nasheed's first eight nominees. Although a nominee was ultimately accepted, he resigned before the CoNI's final report was published.

Before it was reconstituted, the original three-man CoNI published its preliminary findings – called its 'Timeline of Events'. The reformed CoNI took this Timeline as the basis of its remaining work – and, unsurprisingly (as it was dominated by the same people), reached the same conclusion as its predecessor: that there was no coercion involved in the events of February 7th, that there was no wrong-doing on the part of the police or army, and that the transfer of power was legal.

As per the CoNI's terms of reference, after the publication of its report, the document was transmitted to key national institutions for their review and necessary action. This included the People's Majlis (The Parliament) which received the report and transmitted it to the parliament's oversight committees for scrutiny on the same day. It was sent to the executive oversight committee on 18th September 2012.

II. Executive Oversight Committee

The Executive Oversight Committee (EOC) is the normal legislative body mandated, under parliament's rules of procedure, to review matters relating to the executive arm of government. Since the CoNI's mandate was to investigate the events surrounding the resignation of the President, as well as the conduct of executive agencies such as the police and armed forces (elements of which were accused of being involved in President Nasheed's resignation as well as in the extreme police brutality that followed), the EOC was chosen to lead the review. This decision was taken by all political parties represented on the EOC, including all three main parties in the Maldives – the MDP, the DRP and the PPM (the latter two are part of the current governing coalition).

The EOC's task was to review the main conclusions of the CoNI report (namely that there was no police mutiny or any other wrongdoing on the part of the police or army, and that President Nasheed's resignation was entirely voluntary), and to assess whether the Executive has implemented the report's key recommendations (such as holding those police and army personnel guilty of beating and torturing protesters accountable).

After the review had begun, the Committee's work was given new urgency by the resignation and subsequent allegations made by the Coalition Government's Minister of Human Rights, Ms. Dhiyana Saeed. In a personal memoir recalled the events of early 2012, Ms. Saeed claimed that in the months preceding February 7th, a well-organised and well-financed plot had emerged among key opposition politicians (now ministers in the Coalition Government), religious hardliners and parts of the army and police loyal to former President Gayoom. Shortly before February 7th, key members

of this group met the-then Vice-President, Mohammed Waheed, to convince him to join them. Immediately after the meeting, those involved in the plot publicly swore loyalty to Vice-President Waheed. (It is important to note that Dr. Waheed has never denied this meeting took place, but has refused to disclose what was said. The CoNI report also failed to explain the reasons for and outcome of this key meeting). Ms. Saeed further claimed that at least some parts of this opposition group had determined to assassinate President Nasheed if he could not be made to leave peacefully.

As per its mandate, on 11 January 2012, the EOC invited a number of prominent individuals, involved in the events of last February, to appear before the Committee. Article 99 of the Maldives Constitution states that the [Parliament] or any of its committees has the power to (a) summon any person to appear before it to give evidence under oath, or to produce documents. Any person who is questioned by the [Parliament] as provided for in this Article shall answer to the best of his knowledge and ability; (b) require any person or institution to report to it; (c) receive petitions, representations or submissions from interested persons or institutions.

However, in direct and blatant contravention of Article 99 of the Constitution, as well as the checks and balances foreseen in the country's democratic system of government, key members of the Executive branch including the President, the Minister of Defense and the Commissioner of Police, have repeatedly refused to appear before the Committee. Moreover, the Executive has refused to provide the Committee with key information collected by the CoNI – such as witness testimonies. On 20th January, the President publicly forbade any member of the Executive from appearing before parliament's oversight committee.

Notwithstanding this obstructionism, the Committee was able to secure hearings with the heads of both police and army intelligence on 7th February, namely Superintendent Mohamed Hameed and Brigadier General Ahmed Nilam, as well as the-then Commissioner of Police Ahmed Faseeh and former Chief Superintendent of Police Mohamed Jinah. And finally, Ms. Saeed also agreed to appear before Members.

After giving evidence to the Committee (in-line with their obligations under the Constitution), Brigadier General Ahmed Nilam and Chief Superintendent of Police Mohamed Jinah were summarily suspended and dismissed from the army and police respectively. No explanation was given by the government.

III. Testimonies before the Committee

During the first-half of January, these individuals presented information to the Committee. Based on their testimonies, on 12th January, the Chair of the Committee, Ali Waheed MP, issued a statement claiming that it appears that the CoNI report is “flawed” based on the Committee's findings “so-far”. Those findings, he claimed, suggest that “a crime against the State” has been committed involving individuals, leaders of political parties and senior figures within the police and military.

Moreover, Mr. Waheed MP noted that many of those who have information claimed that the CoNI report lacked “key information they had given [to the CoNI panel]” and even that “some of their information was wrongly presented”.

It was also very clear, from the testimonies heard, that the government has made no effort whatsoever to implement the recommendations of the CoNI pertaining to accountability and justice for the widespread police brutality and torture committed after 7th February.

On 16th January, to counteract what appeared to be a cover-up by the State, the Committee voted, as per its rules of procedure, to make the testimonies and minutes of the meeting public.

The testimonies of all the main witnesses summoned to the Committee demonstrate a remarkable degree of consensus about what happened in early 2012, and a common understanding of the legality of the change in government. All witnesses stated, unequivocally, that the change in government bore all the hallmarks of a coup d'etat. All named the same individuals as being central to the coup – with foremost among these the current Commissioner of Police and the current Minister of Defense. All made clear that following a meeting between opposition leaders and the-then Vice President, Mohamed Waheed, in the weeks preceded 7th February, those planning the coup swore their loyalty to him and thereafter he was fully implicated in the plot. All saw widespread evidence of collusion between elements of the police and army loyal to former President Gayoom and the main leaders of the coup. All had seen evidence that the plot to remove President Nasheed included the possibility that he would be assassinated if he did not leave willingly. And all claimed that the evidence and testimony they presented to the CoNI was either ignored or misrepresented.

Below is a summary of some of the main points:

Testimony of Ibrahim Didi, Brigadier General, Commander of Male’ area on 7th February

According to Mr. Didi, the Government was faced with a well-organised mutiny by parts of the army and police, supported by opposition politicians. In response he advised President Nasheed to consider a show of “lethal force” (i.e. firing guns over the heads of the mutinying police). President Nasheed refused to consider this.

Mr. Didi also made clear to the Committee that it was made clear to President Nasheed, by a number of senior people involved with the-then Opposition, that if he did not resign “a dangerous series of events would have occurred”. This included Mr. Mohamed Nazim (now Minister of Defense) who led President Nasheed to “fear for his family's safety”.

Chief Superintendent Mohamed Hameed – Head of Intelligence, Maldives Police Service on 7th February

Mr. Hameed made clear to the Committee that, based on intelligence he received in the weeks prior to the 6th and 7th February, “I do not believe that the events of those two days were spontaneous”. Rather they were “planned”.

Mr. Hameed said he was aware that around ten commissioned officers from the Maldives Police Service were centrally involved in the plot, and began to hold “meetings with the current Commissioner of Police, Abdulla Riyaz, and the current Minister of Defense, Mohamed Nazim”. (Both Mr. Riyaz and Mr. Nazim were later centrally involved in President Nasheed's resignation – somehow gaining access to the main army barracks where President Nasheed was and 'accompanying' (despite being civilians) to the President's Office to oversee his resignation).

Mr. Hameed also alleged that that [opposition] “political influence inside the police was extensive” and that officers inside the Maldives Police Service were “passing operational information to senior members of the-then opposition”. One such individual was caught. In addition, on 7th February, he was informed by army intelligence that members of the mutinying police were communicating with sympathetic army officers, with the latter informing the police that if they were to “continue their protests for a further four hours then the army would join them”.

Mr. Hameed informed the EOC that he had given this information to the CoNI on two separate occasions, but that this was not reflected in the CoNI report.

Mr. Hameed also informed the Committee that the police had intercepted communications between Mr. Riyaz (now Police Commissioner), Mr. Nazim (now Minister of Defense) and Mr. Umar Naseer (Interim President of the PPM – President

Gayoom's party) in which they were discussing the plot, and also between them and the-then Police Commissioner, Ahmed Faseeh, in which they threatened that “we are preparing a team who will go into MNDF to give President Nasheed an ultimatum. Sir, what do you plan to do now”?

In conclusion, Mr. Hameed said he had no doubt that “what we saw from the Police was a mutiny. The Police mutinied”, and “Police weapons were given to civilians”. When asked by a Member of Parliament whether the police and military were involved in the transfer of power, Mr. Hameed replied: “I believe that very much”.

Major General Moosa Jaleel, Chief of Defense Force on 7th February

Major General Jaleel, who was present in the army headquarters with President Nasheed as events unfolded, unequivocally informed the Committee that “the President resigned under duress”. He was given “no option but to give his resignation”.

When he [President Nasheed] sees the people who are supposed to protect him calling for his resignation, I think any leader would realize that he no longer had any power/control - when those who have sworn to protect him are participating in this. That he longer had any security or safety”.

Major General Jaleel also alleged that the-then Defense Minister, Mr. Tholhath Ibrahim Kaleyfaan, was in-touch with the main opposition groups. This was how, he alleged, Mr. Mohamed Nazim, then a civilian former army officer and now Defense Minister, managed to gain access to the army headquarters – he was given permission to enter by the Defense Minister. “I would not say that there was no control in the military. It was controlled in the manner that he [former Defense Minister] wanted it to be controlled that night”.

He also informed the Committee about what happened when President Nasheed left the army headquarters. “I was there when he [President Nasheed] exited the car and entered the lift [of the President's Office] with the Defense Minister and [Mr. Mohamed] Nazim (then a civilian, now Minister of Defense)”. Mr. Nazim remained with President Nasheed while he wrote his letter of resignation. “The President requested for his (and his family’s) safety”.

In conclusion, Major General Jaleel informed that Committee that he has no doubt that this “fits the definition of a coup, as stated in this law”.

Brigadier General Ahmed Nilaam, Head of Military Intelligence on 7th February

Brigadier General Nilaam informed that Committee that the goal of those involved in the removal of President Nasheed was to engineer “a clash” [between the police and army].

“When I look at this academically, it has all the characteristics of a coup d’etat...I will not be the one who concludes on it, but in light of the information I received, it is very clear to me”. In this regard, he drew the Committee's attention to the attack on MNBC (the Maldives' main national broadcaster) to bring it under the control of those instigating the coup – an act “symptomatic of a coup d'etat” (also an act conveniently ignored by the CoNI).

The Brigadier General also informed the Committee that those involved in the coup appointed Mr. Mohamed Nazim as acting Chief of Defense even before President Nasheed had resigned. When asked by Members of Parliament whether this was normal, he replied “No, I do not believe it is”.

He also confirmed to the Committee that President Nasheed had refused permission for the army to use lethal weapons.

Mohamed Jinah, Chief Superintendent of Police on 7th February

Mr. Jinah explained to the Committee that he saw “Special Operations (SO) Officers (those at the center of the police mutiny) entering the Republican Square and acting in a disorderly manner”. “None of us had command or control”. Soon afterward, he learnt that SO Officers had “raided the police armoury on the night of the 6th February”. From the calls that we intercepted at the time, it is clear that “some police officers were acting in favor of a particular political ideology, or political group”.

“Then we saw tear gas canisters being thrown. After that we saw the police and armed forces confront each other. Some military men were joining the police”.

Mr. Jinah informed the Committee that he was soon arrested by his own men – a clear tactic used in a coup d'etat. “When I told the officers and small mob arresting me that I wasn't the President, they told me that they would do the same to the President; saying that they would kill him and hang him, and that they would do the same to us”.

While under arrest, he told the parliamentary Committee that he had repeatedly “tried to call the-then Vice-President Waheed (due to our close working relationship)”.

However, he failed to attend the call. I believe that the way in which the current President attained presidency was not correct”. In this regard, Mr. Jinah informed Members that the police had intelligence about the key meeting between opposition leaders and Vice-President Waheed, prior to 7th February: “I don’t know the exact date, but I remember he met opposition politicians at his official residence and announced that they were planning to establish a new government, and that they call on all police and military personnel to pledge allegiance to the then Vice-President (Waheed)”.

“Yes, there was a coup d’état. Coup d’état is not really defined in Maldivian laws. Nonetheless, the Armed Forces Act contains articles about coup d’état, so in my view the actions of the armed forces that day reflect a coup d’état in every way. In other words, they had committed a coup d’état”.

“I do not accept the findings of CoNI, because I told them what was done to me. I can tell you very briefly, because I told them that there would be pictures and video footage of police officers arresting me, handcuffing me and taking me to Dhoonidhoo [detention center] whilst beating me up. However in their timeline they mentioned that I was being taken into custody for my safety. So how can I accept the CoNI report?”

Mr. Ahmed Faseeh, Commissioner of Police on 7th February

Mr. Faseeh said he had no doubt that it was a police mutiny and that it was pre-planned.

“We had intelligence that officers from Police Special Operations were meeting people from the Opposition, and were cooperating and working with them...They (Special Operations) were connected to the Opposition”.

“Later, after they assembled and sat down on the helipad, they did not follow my orders. They acted under their own command. Therefore I believe that in reality, these people have mutinied. I see their actions as actions in violation of the orders from the Head of Police”.

Mr. Faseeh informed that Committee that Mr. Mohamed Nazim (now Minister of Defense) asked him to resign “within a deadline of one hour without any conditions”. “He (Nazim) announced it on a microphone while standing in front of the Military Headquarters”.

In response to questions from the Committee about if he did resign and was replaced, Mr. Faseeh said: “No-one was appointed (to the post of Commissioner of Police) according to my knowledge. But a self-appointed Commissioner was there. He claimed to be the Commissioner. He is Abdulla Fairoosh” (part of the opposition coalition).

Regarding the CoNI, report, Mr. Faseeh was clear and unequivocal: “In my point of view CoNI report did not fully reflect what we testified...I do not believe that the Report (CoNI) contains accurate information”.

ENDS

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